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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,059	12/02/2003	Jonathan W. Conaway	ECI06-GN011	2636

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EXAMINER

NGO, LIEN M

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,059

Applicant(s)

CONAWAY, JONATHAN W.

Examiner

LIEN TM NGO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/5/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-12, 14, 15, 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Saklad (5,150,815). Saklad discloses, in figs. 5-8, a container comprising a cap having an orifice 46, a channel 45 for receiving a fin 54 of a sliding member 16, a flexible conduit 18, and wherein the sliding member is operating to position the flexible conduit between an open position and closed position. The sliding member includes a trench 19; the flexible conduit includes retention features 50. The container includes a lenticular image.

3. Claims 1, 2, 4, 7-12, 14, 15 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Tardie (5,339,982). Tardie discloses, in figs. 1-4, a container comprising a cap having an orifice 20, a channel for receiving a fin 22 of a sliding member 12, a flexible conduit 14, and wherein the sliding member is operating to position the flexible conduit between an open position and closed position. The flexible conduit includes retention features 20. The container includes a lenticular image.

4. Claims 1-5, 7-11, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hsu (5,203,468). Hsu discloses, in figs. 1-4, a container comprising a cap having an orifice, a channel 13 for receiving a fin 41 of a sliding member 4, a flexible

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conduit 2, and wherein the sliding member is operating to position the flexible conduit between an open position and closed position. The sliding member includes a trench (the space between members 42), and the flexible conduit includes retention features 3.

Claim Rejections - 35 USC § 103

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saklad or Tardie or Hsu in view of Otake (Des. 431,150).

A container with concentric gripping rings is well known in the art, for example Otake teaches a container with concentric gripping rings. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the container of Saklad or Tardie or Hsu with concentric gripping rings in order to facilitate of handling of the container.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saklad or Tardie or Hsu in view of Goto et al. (Des. 363,414).

A cap with gripping aid features is well known in the art, for example Goto teaches a cap with gripping aid features. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cap of Saklad or Tardie or Hsu with gripping aid features in order to facilitate of closing and opening of the cap.

Allowable Subject Matter

7. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LEE YOUNG can be reached on 571-272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LIEN TM NGO
Primary Examiner
Art Unit 3727

May 11, 2005

